

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMONTE ALLGOOD,

ORDER

Plaintiff,

19-cv-453-bbc

v.

JOSHUA GOMM, ANTHONY MATUSHAK
AND STEVEN SCHUELER,

Defendants.

Pro se plaintiff Jamonte Allgood, who is incarcerated at Green Bay Correctional Institution, is proceeding on Eighth Amendment and state law claims against Green Bay correctional officers Joshua Gomm, Anthony Matushak and Steven Scheueler. Before the court is defendants' motion to dismiss this case for lack of venue, or in the alternative, to transfer it to the Eastern District of Wisconsin on the ground that all of the parties reside in the Eastern District and plaintiff's allegations concern events that took place in the Eastern District. Dkt. #24 (citing 28 U.S.C. § 1406(a) ("The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.")). Plaintiff responded to defendants' motion by filing his own motion to transfer the case to the Eastern District. Dkt. #27.

It is clear from the parties' submissions that venue is proper only in the Eastern District of Wisconsin. Venue is proper where defendants reside or where the events giving

rise to the claim took place, both of which are the Eastern District in this case. 28 U.S.C. § 1391(b). Further, I conclude that transfer, rather than dismissal, is in the interests of justice. Accordingly, I will grant defendants' and plaintiff's motions and will transfer this case to the Eastern District of Wisconsin.

ORDER

IT IS ORDERED that

1. Plaintiff Jamonte Allgood's and defendants Joshua Gomm, Anthony Matushak and Steven Schueler's motions to transfer this case to the Eastern District of Wisconsin, dkt. ##24 and 27, are GRANTED. This case is TRANSFERRED to the United States District Court for the Eastern District of Wisconsin.

Entered this 3d day of December, 2019.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge